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SUBJECT: GOR Discusses Human Rights Report, Promises
Further Dialogue

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¶1. (SBU) Summary: During a candid meeting March 22 with Ambassador and Embassy poloffs and PD officer on the 2005 Human Rights Report, senior GOR officials raised several issues, including what they characterized as the report's accusatory tone and lack of context. Officials also voiced concerns over policy issues and methodology, noting the low standard of investigation, factual inaccuracies and misperceptions. The GOR has set up a senior-level working group to focus on human rights issues. As a first step, the group has reviewed the 2005 report and prepared a detailed written response. Officials said the improved quality of this year's report provides a basis for the first time for a constructive dialogue on human rights issues in Rwanda. They would like to see the report, which went from "worse to bad" this year, go a step higher next year "from bad to good." End summary.

¶2. (U) Ambassador Arietti and emboffs met with a group of senior GOR officials March 22, at the request of Special Envoy to the President for the Great Lakes Region Amb. Richard Sezibera, to discuss the 2005 Human Rights Report. The meeting, chaired by Sezibera, included Ministry of Internal Security Secretary General Amb. Joseph Mutaboba, Deputy Prosecutor General Martin Ngonga, Deputy Police Commissioner Mary Gahongayire, National Human Rights Commissioner Tom Ndahiro, Director General of Immigration and Emigration Anaclet Kalibata, and Foreign Affairs Ministry Americas Desk Officer Augustin Rutikara.

GOR Critique of Report

¶3. (SBU) Sezibera began by observing that Rwanda and the U.S. share an interest in advancing the human rights agenda. However, he was disturbed by what he called the overall "accusatory tenor" of the report. He noted, for example, that the report begins with a statement about the "largely Tutsi" Rwandan Patriotic Front (RPF), which he said is not only inaccurate but sets the tone for the rest of the report. A subsequent statement that there were "no reports of local government officials inciting Tutsi citizens to make false accusations against or discriminate against Hutus" not only gives the impression that this is the norm but also contributes to "social antagonism" rather than advancing the human rights agenda.

¶4. (SBU) Sezibera articulated three major objections to the content of the report. He objected to language that imputes to Rwanda human rights abuses committed by Congolese army groups against the Congolese in Congolese territory, while

omitting mention of FDLR activities in Rwanda. In addition, he said the report lacks context, particularly in the highly insensitive way in which it characterizes the gacaca system. While acknowledging that the GOR itself has raised questions about the system and has been working to address shortcomings, he complained that the report makes an unfair value judgment. In particular, he objected to the criticism that the gacaca process is more effective at rendering justice than fostering reconciliation. He objected also to the implication that the RPF is not subject to gacaca. He said gacaca is intended only to address genocide crimes. He explained that the RPF, as an organization, cannot be judged as a group and that individual RPF officers have been tried for human rights violations. He agreed that gacaca is an imperfect system, but maintained that it is the only viable option they have. Any critique of gacaca, he said, must be viewed in that context.

15. (SBU) Sezibera acknowledged that LDF members can and do commit crimes, but noted that the problem is not systemic and the number of crimes is not statistically significant. He said that individuals are prosecuted and punished if found guilty. He asserted that the report's claim that the LDF is not a constitutionally-based force is inaccurate. In fact, he said, the LDF is based on the constitution, which provides for citizens' participation in leadership, justice, defense, and provision of security. He clarified that LDF is under the Minister of Local Government, not under the control of the national police.

16. (SBU) Regarding the Jehovah's Witnesses, Deputy Prosecutor General Ngonga noted that they probably have more churches in Rwanda than in any other African country, and that their extensive presence does not reflect persecution. He commented that it is necessary to differentiate between the conduct of individuals and the conduct of the group. He

pointed out that there are ongoing issues with individual Jehovah's Witnesses that do not entail activities prohibited by their dogma.

Report Methodology

17. (SBU) Deputy Prosecutor General Ngonga criticized the methodology of the report. He noted that as human rights are universal, so are the norms of investigation, and that the standard of investigation for the Human Rights Report should be upgraded. He observed that the U.S. has high investigative standards for legal issues and asked why the standards are lower for the HRR. When one points to specific cases of alleged illegal detention, for example, one is obligated to dig deeper for all the facts rather than simply rely on news media accounts or NGO reports. He said that the Prosecutor's Office is willing to share its findings on all cases. Ngonga expressed concern that generalizations in the report were based on insufficiently investigated individual cases. He noted, for example, that in the description of the case of an LDF member alleged to have committed a crime, there was no mention of actions taken by the prosecution or any indication as to whether the accused had been apprehended or imprisoned.

18. (SBU) Other members of the group noted the lack of critical analysis of NGO reports. National Human Rights Commissioner Ndaïro stressed the importance of attributing sources; otherwise, he said, it appears as if the USG endorses the source. He said that the NGOs have a known style--"mobilizing shame against the government"--of describing human rights abuses in order to further their own agendas. Ndaïro also pointed out the need to check and cross-check facts, avoid accusations, understand Rwandan complexities, and ascertain the credibility of both the source and the translator, since the translator also can distort the information. Deputy Police Commissioner Gahongayire commented on the repetitive nature of the report. She noted that cases that had already been reported and resolved appeared again in this year's report.

GOR Initiatives on Human Rights

¶9. (SBU) Sezibera remarked that the "slightly improved" quality of this year's report from that of previous years provides a basis for initiating a constructive dialogue on human rights, which had not been possible in previous years, with a view toward improving Rwanda's standing next year. The GOR would like to see the quality of the report, which went "from worse to bad" this year, go a step higher next year "from bad to good."

¶10. (U) Sezibera announced that the GOR has set up a senior inter-ministerial working group to focus on human rights issues. As a first step, the group has reviewed the 2005 human rights report and prepared a detailed written response. (Note: After the release of the 2004 HRR, the GOR responded with a detailed 26-page rebuttal. End note.) The group, chaired by Amb. Sezibera, is comprised of seven senior GOR officials: Sezibera, Mutaboba, Justice Ministry Secretary General Johnston Busingye, Ngonga, Ndahiro,

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Kalibata, and Rutikara.

Next Steps

¶11. (U) Ambassador expressed his appreciation to the GOR for taking the initiative in putting together the working group and initiating the human rights dialogue. He explained that the Human Rights Report is a Congressionally mandated requirement and that, although it might be perceived by some as overly critical of the GOR, it should serve as a solid base to prompt discussion on shared goals and interests. He acknowledged that there are differences of interpretation, and reiterated that the USG is open to correction and clarification of misunderstandings or misperceptions. Noting constraints in format and style in the drafting of the report, the Ambassador suggested identifying key areas that are fundamentally important and not focusing on issues of style or specific wording.

¶12. (U) Ambassador pushed back on many of the points raised by Sezibera. He dealt directly with each of the concerns raised by the GOR and suggested two additional areas for discussion--press freedom and civil society. He also noted the importance of addressing issues relating to the role of political parties in Rwanda.

¶13. (U) Sezibera responded that the GOR wishes to maintain a regular dialogue with Embassy to address all the areas of concern raised in the report, and expand the dialogue to include other relevant parties and observers. He promised that the GOR would be specific in its points and offered to organize a meeting with the press and civil society. He also agreed to Ambassador's suggestion to focus on a few select topics for the next meeting.

Comment

¶14. (U) This initial meeting on human rights, initiated by the GOR, was successful in setting a positive tone for further constructive engagement. It provided both the GOR and Embassy an opportunity to candidly voice their views about fundamental human rights issues. The level and extent of GOR representation at the meeting and the GOR's prompt formation of a working group to focus on human rights issues signal the seriousness with which the GOR takes criticism of its human rights record and its interest in a meaningful dialogue rather than a mere exchange of criticisms. The GOR has offered to share further information on specific cases, take a critical look at problem areas to reach mutual understanding, clarify misperceptions, and consider amending laws where warranted. Post will meet with the GOR working group on human rights after we receive its written response

to the 2005 Human Rights Report, and then regularly throughout the year.

¶15. (U) Post is confident that in some areas we will be able to see real progress in the short term, such as resolving issues regarding the Jehovah's Witnesses and having the GOR take a more proactive stance in responding to and taking action against complaints of excessive use of force by the police. Other issues that are more difficult, such as press freedom, political pluralism, and issues affecting civil society, may take more time. The government, however, has offered to convene meetings with all the stakeholders to discuss those issues as well as to meet with others from the USG, such as DRL, and to reach out to more international NGOs.

¶16. (U) Ambassador subsequently briefed EU Chiefs of Mission about this meeting. They endorsed the U.S. initiative and agreed to look for appropriate ways in which the U.S. and the EU can coordinate human rights efforts.

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